

## DRAFT

### Appeals, Protests, & Comments on Preliminary Maps

Following the issuance of the preliminary maps and the final community coordination meeting, the BFE (base flood elevation) publication announcement will be printed twice in the local newspaper. The second newspaper publication date will initiate the 90-day appeal period. During the 90-day appeal period, community officials or property owners may formally challenge the information shown on the Preliminary DFIRM or FIS report. Objections may be submitted as appeals, protests, or comments.

Appeals – Questioning of proposed new or modified BFEs or base flood depths by submitting data to show that the BFEs are scientifically or technically incorrect (submission of a new hydrologic or hydraulic model). Appeals are defined in 44 CFR (Code of Federal Regulations) Section 67.6. Requests for changes to effective (i.e., unrevised) BFEs and/or base flood depths must be processed as map revision requests in accordance with Part 65 of the NFIP regulations (44 CFR).

Protests – Disputes that do not relate to proposed new or modified BFEs or base flood depths, but do relate to other new flood hazard information or corporate limits information shown on the FIRM. Protests do require scientific or technical data to support the change. An example of a protest is a request to revise the floodplain of a restudied stream based on more detailed topographic information.

Comments – Non-technical concerns over the content of the map. An example of a comment is the identification of an incorrect street name.

All appeals, protests, & comments should be submitted to the community CEO or his designated representative and the community should review the information to determine if they support the objection. All submittals must include name, address, & technical backup data (appeals & protests only). FEMA will review all appeals, protests, & comments and then send acknowledgment letters to the CEO or his designated representative (copying the appellant/protestor). This letter will verify that an appeal/protest/comment has been received and is being reviewed.

A technical review of the submittal will be performed to insure that the backup data submitted meets the FEMA Guidelines & Specifications. This data needs to provide proof of error, and provide sufficient data to make revisions (e.g., bridge plans, cross-section data). Certification of data by a Registered Professional Engineer or Licensed Land Surveyor may be required for some data. If additional supporting data is required, a letter will be sent requesting the additional supporting data. The letter specifies a 30-day period to submit the data and states that, if the data is not received within 30 days, the appeal or protest will be resolved on the basis of data already received.

Additional information on the data required to support an appeal is presented in Chapter 3 of Appeals, Revisions, and Amendments to National Flood Insurance Program Maps: A Guide for Community Officials (FEMA, 1993). Additional information on the data required to support a challenge that is not an appeal is presented in Chapter 4 of Guide for Community Officials. This document can be found on FEMA's website here:  
<http://www.fema.gov/library/viewRecord.do?id=3448>.

Once an appeal resolution is determined, a letter that describes the issues raised and the evaluation of those issues will be sent to the CEO or his designated representative (copying the appellant/protestor). If a valid appeal results in a change to the BFEs, the DFIRM and FIS will be

re-issued as a revised preliminary package. Most often, FEMA incorporates changes resulting from comments at the time that the final reproduction materials are prepared; however, if the changes are significant, FEMA may prepare and distribute Revised Preliminary copies or Proof Copies of the DFIRM and FIS report. Also, the resolution responding to challenges other than appeals also may be included as a special insert in the Letter of Final Determination (LFD).

In most cases, FEMA shall provide a comment period (usually 30 days) following the date the resolution letter is issued before proceeding with the processing of the revised DFIRM and FIS report by preparing and issuing a LFD. The LFD starts the 6 month compliance period leading up to the effective map date. FEMA shall address any comments received during this comment period before proceeding with the maps.

Please send all appeals, protests, & comments to the community CEO or his designated representative. The CEO or his designated representative will then send the information to FEMA's contractor (Michael Baker Jr., Inc.) for review.

The community CEO's designated representative is:  
Steve Craddock  
City of Miles City – Community Development and Planning  
17 S. 8<sup>th</sup> St.  
Miles City, MT 59301  
406-234-3493

The community should send all appeals, protests, & comments to:  
Dave Jula  
Michael Baker Jr., Inc.  
355 Union Blvd.  
Suite 200  
Lakewood, CO 80228  
720-514-1101